



STRATEGIC PLANNING COMMITTEE

Monday 9 December 2019

PLANNING APPEALS REPORT

EXECUTIVE SUMMARY

This report provides an update on all appeal decisions received from the Planning Inspectorate between 22 August 2019 and 25 November 2019

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor David Ritchie Cabinet Member for Planning and Coastal Management
Supporting Officer:	Liz Beighton Planning Development Manager 01394 444778 liz.beighton@eastsoffolk.gov.uk

1 INTRODUCTION

- 1.1 This report provides a summary on all appeal decisions received from the Planning Inspectorate between 22 August 2019 and 25 November 2019.

2 APPEAL DECISIONS

- 2.1 A total of 24 appeals have been received from the Planning Inspectorate since the 21 August following a refusal of planning permission from either Suffolk Coastal District Council, Waveney District Council or the newly formed East Suffolk Council. In addition, one enforcement appeal decision was received.
- 2.2 A summary of all the appeals received is appended to this report.
- 2.3 The Planning Inspectorate monitor appeal success rates at Local Authorities and therefore it is important to ensure that the Council is robust on appeals, rigorously defending reasons for refusal. Appeal decisions also provide a clear benchmark for how policy is to be interpreted and applications considered.
- 2.4 Very few planning refusals are appealed (approximately 20%) and nationally on average there is a 42% success rate for major applications, 27.25% success rate for minor applications and 39.25% success rate for householder applications. Taken as a whole that means that slightly over 36% (or 1 in 3) of app planning appeals are successful.
- 2.5 Of the 24 appeal decisions received three were determined by the Planning Committee with the remaining 19 being delegated. No appeals were lodged against non-determination.
- 2.6 19 of the decisions were dismissed (80%) and five allowed (20%). These statistics show that the Council's success rate in defending appeals is above the national average and provides confidence that the Council is able to robustly defend against unacceptable development and has a suite of policies available to assist defence.
- 2.7 The Council has also been defended costs in relation to three appeals.
- 2.8 There are no areas of concern raised in any of the appeals, though it is noted that some lessons could be learnt and these are included in the summaries.
- 2.9 The decisions usefully endorse the Council's approach to development in the countryside, the application of the five-year supply of housing, high quality design and importantly the need for marketing on employment sites.

3 REASON FOR RECOMMENDATION

- 3.1 This report is for information only.

RECOMMENDATION

That the contents of the report be received and noted.

APPENDICES

Appendix A

Summary of Appeal Decisions received from the Planning Inspectorate between 22 August and 25 November 2019

BACKGROUND PAPERS

Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
22 August to 25 November 2019	Appeal Decisions received from the Planning Inspectorate	http://www.eastsuffolk.gov.uk/planning/planning-applications/publicaccess/

The following appeals have been received between the 22 August 2019 and 25 November 2019. The full reports are available on the Council's website using the unique application reference.

Application Number	DC/18/0116/FUL,
Appeal Number	APP/J3530/W/18/3211917
Site	Church Farm Holiday Park, Church Farm Road, Aldeburgh IP15 5DW
Description of Development	Proposed siting of 34 high quality holiday lodges (static caravans) in lieu of 85 touring caravan pitches together with peripheral and supplemental landscaping.
Committee / Delegated	Delegated
Decision Date	18 September 2019.
Appeal Decision	Dismissed
Main Issues	<p>Whether the appeal scheme would result in the unacceptable loss of a touring caravan site;</p> <p>The effect of the proposed development on the character and appearance of the area;</p> <p>Whether the proposed development would be at an unacceptable risk of flooding; and</p> <p>Whether the proposed development would result in unrestricted dwellings in the countryside.</p>
Summary of Decision	<p>Policy SP22 Aldeburgh sets out a strategy that will aim towards a small town that will, amongst other things, retain its role as a tourist centre, offering a range of accommodation and visitor attractions. The appeal site provides for what is the only touring caravan site in the town. The loss of the only touring caravan site from the town would narrow the range of accommodation available within the town contrary to policy SP22.</p> <p>The proposed development would not be harmful to the character and appearance of the area which includes the AONB and the Heritage Coast. Thus, and with regard to this main issue, there would be no conflict with Policies SP15, SP22 or DM18 of the Local Plan.</p> <p>The appeal site lies within flood zone 3a an area at high risk from coastal flooding.</p> <p>The Exception Test (ET) is therefore relevant. The Inspector was satisfied with the site specific FRA. However the ET also states that, for it to be passed, it should be demonstrated that the development would provide wider sustainability benefits for the community that outweigh flood risk. Paragraph 161 of the Framework is explicit that both elements of the ET should be satisfied for the development to be permitted. The inspector was not satisfied that, beyond economic benefits, there would be anything of sufficient benefit in wider sustainability terms for the community and did not consider the appeal scheme was able to pass the ET. With regard to DM18, the inspector considered that the policy is not explicit on a 56 day stay limitation insofar as stating that it would 'normally' be imposed. He was content that there would be sufficient safeguards in place to restrict the proposed development to what it is intended to be through an appropriately worded planning condition and that the appeal scheme would not be akin to unrestricted dwellings in the countryside.</p>
Learning Point / Actions	Application of Sequential and Exception Tests in a high risk flood zone should be carried out in all cases which are not minor developments.

Application Number	DC/18/0116/FUL
Appeal Number	APP/J3530/W/18/3211917
Site	Church Farm Holiday Park, Church Farm Road, Aldeburgh IP15 5DW

Description of Development	Proposed siting of 34 high quality holiday lodges (static caravans) in lieu of 85 touring caravan pitches together with peripheral and supplemental landscaping - Costs Application
Committee / Delegated	Delegated
Decision Date	18 September 2019.
Appeal Decision	Award of costs refused
Main Issues	Whether Council had acted unreasonably in that in refusing planning permission the Council had prevented development that could reasonably be permitted. With wasted expense in taking the scheme to appeal.
Summary of Decision	<p>On the first reason for refusal the Council case was clear with reference to Development Plan policy. With regard to the second reason, the refusal did not follow the advice of the Landscape Manager of East Suffolk. The Inspector noted that the landscape advice was that of a consultee into the planning application process and determining officers are not duty bound to follow that advice. He considered that officers explained their position on character and appearance matters, identified harm as precisely as is reasonable to do and made a conclusion thereon in accordance with the development plan.</p> <p>The third refusal reason did not follow the recommendation of the EA. Again the inspector confirmed that the Council is not bound by the views of a consultee and that it was clear where it was considered that harm would be caused and which policies such harm would run contrary.</p> <p>The Inspector had some sympathy with the applicant on the fourth reason for refusal. He considered that it was in the Council's power to impose a stay limitation condition or such other conditions that would prevent year round occupancy. If this reason not been included, it would not have prevented planning permission being refused and only a modest proportion of the Appeal was taken up on this issue. He therefore did not consider that the inclusion of this refusal reason lead to unnecessary or wasted expense.</p>
Learning Point/Action	NA

Application Number	DC/18/4969/FUL
Appeal Number	APP/X3540/W/19/3232464
Site	75 High Street, Aldeburgh IP15 5AU
Description of Development	The development proposed is remodelling of front elevation to include new roof with dormer windows to facilitate insertion of second floor. Two-storey and first floor rear extensions and change of use from shop and house to 3 x No. self-contained flats.
Committee / Delegated	Committee
Decision Date	5 November 2019.
Appeal Decision	Dismissed
Main Issues	The main issue is the effect of the lack of parking provision for the proposed development on highway safety and the convenience of other highway users in the vicinity of the appeal site.
Summary of Decision	The lack of parking provision for the proposed development would have an unacceptable impact on highway safety and the convenience of other highway users in the vicinity of the appeal site. It would conflict with LP Policy DM19 which requires all types of new development to conform to the Council's adopted parking standards and would also conflict with LP Policy DM22 which among other things seeks development that makes adequate provision for cars and parking areas. In addition, it would conflict with the NPPF.
Learning Point / Actions	Significant weight can be given to Policy DM19.

Application Number	DC/18/1145/FUL
Appeal Number	APP/J3530/W/18/3207634
Site	Church Farm House, Victoria Road, Aldeburgh IP15 5EA

Description of Development	The development proposed is two proposed lean-to extensions to the utility and dining room of Church Farm House.
Committee / Delegated	Delegated
Decision Date	29 August 2019
Appeal Decision	Dismissed
Main Issues	Whether the proposal would preserve the Grade II listed building known as Church Farm House and any features of special architectural and historic interest it possesses. The effect of the proposal on the character and appearance of Aldeburgh Conservation Area.
Summary of Decision	The extensions would have a negative effect on the listed building and result in harm to its significance. Although the harm would be less than substantial and no greater than moderate in magnitude due to the extent of changes, paragraph 196 of the National Planning Policy Framework (NPPF) requires such harm to be weighed against the public benefits of the scheme. There are no public benefits before me that are sufficient to outweigh the harm. There would be harm to the significance of this part of Aldeburgh Conservation Area. The harm would be less than substantial and only modest due to the amount of change within the conservation area. However, there would be insufficient public benefits to outweigh the harm. Therefore, the proposal would not preserve the character and appearance of the conservation area and would be contrary to paragraph 196 of the NPPF.
Learning Point / Actions	n/a

Application Number	DC/18/1146/LBC
Appeal Number	APP/J3530/Y/18/3207633
Site	Church Farm House, Victoria Road, Aldeburgh IP15 5EA
Description of Development	The development proposed is two proposed lean-to extensions to the utility and dining room of Church Farm House.
Committee / Delegated	Delegated
Decision Date	29 August 2019
Appeal Decision	Dismissed
Main Issues	Whether the proposal would preserve the Grade II listed building known as Church Farm House and any features of special architectural and historic interest it possesses.
Summary of Decision	The extensions would have a negative effect on the listed building and result in harm to its significance. Although the harm would be less than substantial and no greater than moderate in magnitude due to the extent of changes, paragraph 196 of the National Planning Policy Framework (NPPF) requires such harm to be weighed against the public benefits of the scheme. There are no public benefits before me that are sufficient to outweigh the harm.
Learning Point / Actions	n/a

Application Number	DC/18/2396/FUL
Appeal Number	APP/J3530/W/19/3224772
Site	98 Tangham Cottages, Tangham, Capel St Andrew, IP12 3NF
Description of Development	Change of use of the front paddock to erect two Arctic Cabins – one to be used as a therapy room the other as holiday accommodation and a sauna room. Also to acquire permission to use one Latvian Cabin (erected under permitted development rights) as holiday accommodation.
Committee / Delegated	Delegated
Decision Date	7 June 2018
Appeal Decision	Dismissed
Main Issues	The effect of the proposal on the character of the surrounding area; whether the proposal is in a suitable location; the effect of the proposal on the living

	conditions of neighbouring properties with regards to noise and disturbance; and the effect of the proposal on the Sandlings Special Protection Area.
Summary of Decision	<p>Adequate screening can not be provided to completely screen the buildings, particularly in the short term. Landscaping would also not prevent the harmful effect to the character of the area created by the additional traffic movements associated with the proposals, the style, size and use of the buildings are not residential in nature and have a detrimental effect on the character of the area. The proposals have a harmful effect on the character of the surrounding area. The proposals are in conflict with Policy DM21 of the Suffolk Coastal District Local Plan Development Plan Document 2013 (DPD) which seeks proposals to relate well to the scale and character of their surroundings.</p> <p>The proposed development is not in a suitable location. The proposal is contrary to Policies SP1, SP6, SP7, SP8 and DM18 of the DPD and the Framework which seeks development to encourage the use of public transport and be of an appropriate scale to the nature of its location and setting.</p> <p>The inspector did not consider that the proposal would have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to noise and disturbance as such was in accordance to Policy DM23 of the DPD which seeks new development to consider the impact on residential amenity.</p>
Learning Point / Actions	N/A

Application Number	DC/18/2906/OUT
Appeal Number	APP/X3540/W/19/3229719
Site	Land Adjacent 20 Manor Park Road, Corton, Lowestoft
Description of Development	Outline Application (Some Matters Reserved) - Construction of two single storey dwellings including all associated works.
Committee / Delegated	Delegated
Decision Date	30 August 2019
Appeal Decision	Dismissed
Main Issues	<p>Whether the tandem form of development was characteristic of the area, the site and its surroundings and the potential impact on adjacent residents.</p> <p>The lack of proper road frontage and the access drive being sited between the existing and proposed dwellings and the disturbances to amenities therein.</p>
Summary of Decision	<p>The inspector considered the impact on the living conditions of existing and future occupants, particularly from the passage of vehicles between the dwellings and found this to be detrimental. Whilst an acoustic fence or brick wall could help nullify this there was not sufficient detail to determine the suitability of such mitigation and this would lead to further unsatisfactory effects on living conditions in terms of outlook.</p> <p>An outline approval would form the planning permission for the proposal, and the Inspector felt it was reasonable to consider whether or not the site could accommodate the proposal in order to provide a reasonable level of living conditions. Based on the evidence submitted they were not persuaded this could be satisfactorily achieved and furthermore reserved matters would not be able to address these concerns without nullifying the planning permission.</p> <p>The Inspector also considered the character and appearance of the area and the impact of the proposed development however they were not satisfied with the argument that there would be an adverse impact on the character of the area as the dwellings would be accommodated in good sized plots and the tandem form and particularly the second dwelling would not lead to any materially greater impact on the character and appearance of the area.</p>

	The Inspector concluded that whilst they were satisfied that the proposed development would not result in harm to the character and appearance of the area, it would have an unacceptable effect on the living conditions of the existing and future occupiers from noise and disturbance. They considered this to be decisive and this led to the conclusion that the appeal should be dismissed.
Learning Point/Action	<p>The main learning point is that relating to noise and disturbance to the amenities of existing and future occupants by virtue of traffic and movement of vehicles along the access. The outlook from dwellings is likely to be unacceptably impacted upon with the provision of a suitable acoustic fence.</p> <p>Tandem development is unlikely to have any significant impact on the character of the area as it is generally screened from view and would not materially affect the character and appearance of the area.</p>

Application Number	ENF/2017/0170/USE
Appeal Number	APP/J3530/3198904 APP/J3530/3199208
Site	Land adjoining Oak Spring, off The Street, Darsham
Description of Development	<p>Use - Without planning permission is the change of use of land from agriculture to a domestic use, the stationing of a mobile home, with wooden cladding and roof which has the capacity for primary residential use, the stationing of two metal containers, a modular building and the storage of non-agricultural items including bricks, sinks and plastic containers, a trailer and a bench/seat.</p> <p>Operational Development - Without planning permission the erection of two wooden sheds, a pergola, a wooden field shelter and hardstanding, sink unit and large stone pillar.</p>
Committee / Delegated	Committee
Decision Date	17 October 2019
Main Issues	Unauthorised change of use of the land and unauthorised structures.
Summary of Decision	<p>The appeal relating to the use of the land was quashed due to the Inspector deciding that he could not alter the Notice without causing prejudice to the Appellant.</p> <p>The appeal relating to the operational development was dismissed with some amendments to the wording in respect of a electrical intake housing unit (large stone pillar) and reference to the sink unit was removed as it was deemed not to required planning permission.</p>
Learning Point / Actions	N/A

Application Number	DC/18/2335/FUL
Appeal Number	APP/X3540/W/19/3231711
Site	Street Farm, Brandeston Road, Earl Soham, IP13 7RU
Description of Development	Erection of 12 open market dwellings & 5 affordable dwellings (including conversion of existing timber framed barn into 1 dwelling) together with garages, access road, footway link to village centre, fencing, walling, landscaping, drainage, infrastructure and ancillary works. All other existing buildings to be demolished.
Committee / Delegated	Committee
Decision Date	5 November 2019
Appeal Decision	Dismissed
Main Issues	Would it be acceptable to replace an employment use that is not an allocation, outside the Physical Limits Boundary with a residential use.

Summary of Decision	The Inspector concluded that there was not enough evidence to be able to show that the employment use was not viable and therefore could be replaced with the dwellings. The retention and improvement of a Non-designated heritage asset did also not support the application, as this building would be converted into a dwelling.
Learning Point / Actions	Adequate information is needed to be able to justify the loss of an employment use and the replacement with dwellings. This justification and information will need to be in accordance with the adopted Policies or Appendix E of the emerging Local Plan.

Application Number	DC/19/0992/OUT
Appeal Number	APP/J3530/W/19/3232580
Site	The Bungalow Adjacent Hightrees, Foxhall Road, Foxhall IP4 5SY
Description of Development	Demolition of The Bungalow and erection of a two-storey new build dwelling to an equivalent footprint
Committee / Delegated	Delegated
Decision Date	10 October 2019
Appeal Decision	Dismissed
Main Issues	<ul style="list-style-type: none"> • Whether or not the existing building constituted an existing dwelling, • Whether or not the site would be a suitable location for a dwelling having regard to national and local planning policy for the delivery of housing. • The effect of the development on the natural environment with particular reference to protected trees of amenity value and the Special Landscape Area (SLA).
Summary of Decision	<p>The site is located in the countryside, where new dwellings are only permitted in certain circumstances as defined in the NPPF and Local Planning Policy.</p> <p>The Inspector noted that the use of the building as a dwelling had not been established and was in dispute. They concluded that the proposal did not constitute a replacement dwelling because a lawful use a dwelling had not been demonstrated.</p> <p>The Inspector concluded that the scheme did not meet the requirements of Policy DM3, in that it was not a replacement dwelling, there was no demonstration of local need to justify it under subdivision of a larger dwelling criteria.</p> <p>The Inspector acknowledged the proximity of the site to the Hospital and the edge of the built up area around Foxhall Road, and thus cycling to access some services would be possible, it would not give an attractive option of inexperienced cyclists and children due to the lack of refuge clear of the carriageway. They concluded that the constraints of access to/from the site would result in future residents being heavily reliant upon private cars.</p> <p>In terms of the protected trees on site, the inspector acknowledged their importance and potential future pressures created by the proposals, but concluded the impact would not have a harmful effect upon the local natural environment.</p> <p>The Inspector acknowledged the potential impacts upon the Special Protection Areas arising from the proposed development (RAMS).</p>
Learning Point / Actions	Where the established/lawful use of a building is unclear, it is appropriate for the Local Planning Authority to question it, particularly where it is fundamental to whether the use sought through the application would be acceptable.

	When considering sustainability, the nature of the access and the appealability of the local road/pathway network to pedestrians and cyclists is just as significant as the physical distance of a site from the built up area.
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Application Number	DC/18/4180/OUT
Appeal Number	APP/J3530/W/19/3227204
Site	Riverside, The Street, Hacheston, Suffolk, IP13 0DR
Description of Development	Demolition of existing bungalow and construction of 2No two storey dwellings, detached garage, private drive and bungalow with garage and first floor studio to rear.
Committee / Delegated	Delegated
Decision Date	1 October 2019
Appeal Decision	Dismissed
Main Issues	The effect of the proposed development on the character and appearance of the site and the surrounding area, and RAMS mitigation.
Summary of Decision	The application was dismissed on the basis that it is back land development, which is out of character with the surrounding area.
Learning Point / Actions	The linear form of the village is important

Application Number	DC/18/4180/OUT
Appeal Number	APP/J3530/W/19/3227204
Site	Riverside, The Street, Hacheston, Suffolk, IP13 0DR
Description of Development	Demolition of existing bungalow and construction of 2No two storey dwellings, detached garage, private drive and bungalow with garage and first floor studio to rear.
Committee / Delegated	Delegated
Decision Date	1 October 2019
Appeal Decision	Application for award of costs refused
Main Issues	The issues in question relate to the concerns raised by the Head of Environmental Health in regard to lack of information in regards of identification of contamination at the site. However, in their statement the Council recommends that the appropriate action in respect of this matter is to add appropriate planning conditions to any permission, should the appeal be allowed and planning permission granted. Consequently, the applicant was not required to take any action leading to further expense.
Summary of Decision	The applicant is not subject of any additional costs as part of these conditions and therefore the costs are not going to be awarded.
Learning Point/Action	The applicant is not subject of any additional costs as part of these conditions and therefore the costs are not going to be awarded.

Application Number	DC/18/3086/FUL
Appeal Number	APP/J3530/W/19/3223485
Site	Oak Tree Cottage, Whitehouse Farm Road, Hasketon IP13 6JP
Description of Development	Erection of a replacement dwelling and outbuilding following the demolition of existing outbuildings and part
Committee / Delegated	Delegated
Decision Date	14 October 2019
Appeal Decision	Allowed
Main Issues	The application for a large extension to an existing dwelling had been granted, the applicant then applied for a replacement dwelling at the same size and scale of the current dwelling and the proposed extension. Would this be acceptable as a replacement dwelling, when there is no dwelling being demolished?

Summary of Decision	There is a fall-back position of an extension in the same scale and size that has been commenced and therefore this is acceptable.
Learning Point / Actions	If there is a fall back position then this should be taken into consideration

Application Number	DC/18/3086/FUL
Appeal Number	APP/J3530/W/19/3223485
Site	Oak Tree Cottage, Whitehouse Farm Road, Hasketon IP13 6JP
Description of Development	Erection of a replacement dwelling and outbuilding following the demolition of existing outbuildings and part
Committee / Delegated	Delegated
Decision Date	14 October 2019
Appeal Decision	Costs refused
Main Issues	There is a fall back position in the extension that has already been granted on the site, however, at the time when the council made its decision the construction for the extension had not been started and therefore the fall back position argument was weaker.
Summary of Decision	At the time of the decision the fall back position was weaker, but once the appeal had been concluded the fall back position was stronger and therefore this decision was made by the inspector.
Learning Point/Action	The fall back position can change over time

Application Number	DC/18/5001/FUL
Appeal Number	APP/J3530/W/19/3224746
Site	Part Garden of Four Ways, Alderton Road, Hollesley, IP12 3RL
Description of Development	One new dwelling to part rear garden
Committee / Delegated	Delegated
Decision Date	13 September 2019
Appeal Decision	Dismissed
Main Issues	Whether the site is a suitable location for a dwelling having regard to local planning policy for the delivery of housing and accessibility to everyday local facilities and services, and: - The effect of the proposal on European Designated Sites.
Summary of Decision	The Inspector concluded that the site is not a suitable location for a new dwelling, being located a significant distance from the physical limit's boundary of the village along a road with no footway. The Inspector also considered that the development of the site did not represent infill within a cluster, as the site would result in an extension of the built form into the countryside.
Learning Point / Actions	The Inspector confirmed the councils is able to demonstrate in excess of a five year supply of housing land. A site must be located between other dwellings (i.e. not at the end of a group) and meet the distance requirements as defined in Policy DM3) in order to meet the definition of a cluster as defined in policy DM3.

Application Number	DC/18/4271/ROC
Appeal Number	APP/T3535/W/19/3224869
Site	Part land north of Alandale Drive, Kessingland, NR33 7SD
Description of Development	Removal of Condition No. 7 of DC/15/0217/FUL - Construction of 2 No. holiday bungalows - Removal of holiday condition to allow permanent residential use
Committee / Delegated	Delegated

Decision Date	11 October 2019
Appeal Decision	Dismissed
Main Issues	Protection of existing tourist accommodation
Summary of Decision	<p>Policy WLP8.17 of the WLP concerns the protection of existing tourist accommodation from conversion to residential. It states that a change of use will only be considered in exceptional circumstances where it can be fully and satisfactorily demonstrated that there is no demand for the tourist accommodation. This must be demonstrated by marketing evidence gathered over at least 12 months, in accordance with specified requirements. This Policy is similar to Policy T01 of the Kessingland Neighbourhood Plan. No marketing exercise was carried out. Therefore it had not been demonstrated that there is no demand for tourist accommodation in the locality.</p> <p>The proposed removal of Condition 7 conflicts with Policy WLP8.17 of the WLP and Policy T01 of the KNP.</p>
Learning Point / Actions	Occupancy conditions are necessary to prevent proposals undermining development plan policy concerning the protection of tourist accommodation.

Application Number	DC/19/0309/FUL
Appeal Number	APP/J3530/W/19/3227592
Site	Part Land East Of Beacon Oaks, Martlesham Road, Little Bealings
Description of Development	Proposed residential development (4 no. dwellings)
Committee / Delegated	Delegated
Decision Date	27 August 2019
Appeal Decision	Dismissed
Main Issues	The main issues in the appeal are the effect of the proposal on the character and appearance of the area; the accessibility of the proposal to services and facilities by sustainable means; and the effect on European designated habitats (RAMS).
Summary of Decision	<p>The proposal was considered to cause unacceptable harm to the character and appearance of the area and did not comply with any adopted Policies within the Core Strategy where there was any public benefit which outweighed the harm. The limitations of accessibility were considered to have a neutral impact. No financial contribution towards RAMS had been made, as such the Inspector agreed that the proposal failed to meet Core Strategy Policies SP14 and DM27. The site was considered to be too distant from the physical limits boundary to be sustainable or meet the definition of a cluster. It was also not considered to be infill, as it would extend the group of dwellings rather than infill within the group.</p>
Learning Point / Actions	A site must be located between other dwellings (i.e. not at the end of a group) and meet the distance requirements as defined in Policy DM3) in order to meet the definition of a cluster as defined in policy DM3.

Application Number	DC/18/4962/FUL
Appeal Number	APP/T3535/W/19/3225990
Site	Clare House, Broadview Road, Lowestoft, NR32 3PL
Description of Development	The development proposed is new dwelling and replacement garage
Committee / Delegated	Delegated
Decision Date	20 August 2019
Appeal Decision	Upheld
Main Issues	The issue in this case is the effect of the proposed dwelling on the living conditions of neighbours to the north, on Romany Road.
Summary of Decision	The appeal proposal is for a bungalow form with first floor accommodation set into the roof.

	<p>The two neighbouring dwellings to the north, which are the concern of the Council, are Nos. 17 and 19 Romany Road. The boundary between the appeal site and these is a close-boarded fence approximately 2m high. Immediately beyond this fence, in the rear garden of No. 17 Romany Road, is a substantial garage-like structure, taller than the fence. Behind the fence on the boundary with No.19 Romany Road there is a row of conifers.</p> <p>The elevation facing north is a gable, the upper part of which is devoid of openings. The brick building in the garden of No. 17, screens from harm, no appreciable effect on this neighbour in terms of being over-bearing or loss of daylight or sunlight to the garden amenity area.</p> <p>Potential impacts of proposals upon daylight and sunlight need to be carefully considered in terms of impacts upon garden areas.</p>
Learning Point / Actions	<p>Inspectors view WLP 8.29 as a carry forward of previous policy.</p> <p>Original recommendation was for approval, so refusal was in any case very marginal. Screening effect of conifers given weight.</p>

Application Number	DC/18/4326/FUL
Appeal Number	APP/J3530/W/19/3221775
Site	Trailer Nursery, Bealings Road, Martlesham, IP12 4RW
Description of Development	The removal of trailer home and erection of 1No detached dwelling with associated works
Committee / Delegated	Delegated
Decision Date	9 September 2019
Appeal Decision	Dismissed
Main Issues	<p>The effect of the proposal on the character and appearance of the site and the surrounding area.</p> <p>The potential impact upon European Designated Sites.</p>
Summary of Decision	<p>The existing site contains a dwelling in the form of a trailer caravan. Therefore, the principle of a dwelling on this site was established.</p> <p>The Inspector picked up on design in terms of safeguarding the countryside and that development should relate well to the scale and character of its surroundings particularly in terms of siting, height, massing and form.</p> <p>The proposal was for a two-storey house, which the Inspector described as being of much greater mass and form than the existing dwelling. The Inspector also identified that the increase in ground levels across the site would mean that the ridge of the proposed dwelling would be significantly greater than that of the existing neighbouring properties, and obstruct views of the green space to the rear of the dwellings to the east.</p> <p>The inspector also identified that the building would be <i>“highly visible from the public realm, dominating the site and its height mass and scale would be so disproportionate to, and out-of-keeping with, the existing dwellings to the east so as to seem incongruous. In this particular context that lack of conformity would be so significant as to amount to harm. ”</i></p> <p>The Inspector concluded that the proposal would be contrary to policies SP19, Sp29 and DM3.</p> <p>The proposal resulted in no net increase in dwellings. Therefore the reason for refusal on the basis of RAMS was not pursued by the Local Planning Authority.</p>

Learning Point / Actions	The impact of a proposal upon the character and appearance of the area, should be given significant weight, and can form a sole reason for refusal.
Application Number	DC/18/3793/FUL
Appeal Number	APP/J3530/W/19/3219713
Site	Land to the North of The Thatched Roadhouse, The Street, Martlesham, IP12 4RJ
Description of Development	Car park associated with commercial use.
Committee / Delegated	Delegated
Decision Date	9 September 2019
Appeal Decision	Dismissed
Main Issues	Whether the proposed development would accord with the Council's strategy for the location of development; the effect of the proposed development on the character and appearance of the area including on the Area of Outstanding Natural Beauty (AONB) and the Special Landscape Area (SLA); the effect of the proposed development on the setting of nearby listed buildings; and the effect of the proposed development on flood risk.
Summary of Decision	The Inspector agreed that the location was not suitable for the proposed development, in that it was contrary to Core Strategy Policies SP7 and SP29 and Martlesham Neighbourhood Plan Policy MAR1. The development would harm the character and appearance of the area, including the Special Landscape Area and Area of Outstanding Natural Beauty. The small number of jobs proposed by the development did not overcome the substantial harm identified to the nearby listed buildings within the historic core of 'Old Martlesham.' The site is within flood zones 2 and 3 and there is a reasonable prospect that the proposal would have an adverse effect on flood risk.
Learning Point / Actions	This appeal decision confirmed the Local Planning Authority's application of policy i.e. the correct approach had been taken by the decision maker, and therefore we should continue with this approach.

Application Number	DC/18/4154/OUT
Appeal Number	APP/J3530/W/19/3226853
Site	The Firs, Jackson Road, Newbourne, Woodbridge, IP12 4NR
Description of Development	Erection of a detached dwelling house
Committee / Delegated	Delegated
Decision Date	20 August 2019
Appeal Decision	Dismissed
Main Issues	Whether the site is in a suitable location for a new dwelling having regard to the policies of the development plan and the National Planning Policies Framework
Summary of Decision	The inspector discussed the site position within Newbourne, stating the actual services available in and around the area and the wider impact the village has on surrounding villages. It was mentioned that the blanket approach of policy DM3 is not entirely consistent with the framework which favours a more balanced approach. "It is therefore Framework paragraph 78 that is relevant here, which states: <i>"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby"</i> . The report discussed the 3 objectives of sustainable development and considers a single house would have no material impact on the economic life of the local community or the other nearby villages. Nor would its contribution to social objective, by way of 1 unit of housing be significant.

	The inspector concluded that in most respects the appeal site is not in a sustainable location, and it does not meet the aims of Framework paragraphs 8 and 78.
Learning Point / Actions	The inspector found Policy DM3 to be inconsistent to the framework.

Application Number	DC/17/5437/OUT
Appeal Number	APP/J3530/W/18/3213811
Site	Land to the North of Purdis Farm Lane, Ipswich, Suffolk IP3 8UE
Description of Development	Six dwellings with associated infrastructure, parking and landscaping.
Committee / Delegated	Delegated
Decision Date	19 August 2019
Appeal Decision	Allowed with conditions
Main Issues	The main issues in this appeal are the effect of the proposed development on the character and appearance of the area; Purdis Heath as part of the Ipswich Heaths Site of Special Scientific Interest (SSSI); and The Sandlings, Deben Estuary and Stour and Orwell Estuaries Special Protection Areas (SPAs).
Summary of Decision	No harm to the character and appearance of the area, the site is within the physical limits boundary which is considered a sustainable location for development; concerns in relation to design can be resolved through the reserved matters. Sufficient information has been provided to demonstrate that the appeal scheme would not result in harmful recreational pressure, albeit subject to mitigation, and therefore a conflict with Policy DM27 of the CS, which seeks to protect biodiversity, would not occur. (This information was predominately agreed through the appeal/post decision). No harm to residential amenity and matters of access to be confirmed through reserved matters.
Learning Point / Actions	Matters which are matters for the reserved matters stage, should not form reasons for refusal on an outline application.

Application Number	DC/18/3598/OUT
Appeal Number	APP/J3530/W/19/3225584
Site	143 The Street, Rushmere St Andrew IP5 1DG
Description of Development	The development proposed is the demolition of existing bungalow and erection of 2no. two storey dwellings. Formation of additional vehicular access.
Committee / Delegated	Delegated.
Decision Date	24 September 2019
Appeal Decision	Dismissed
Main Issues	i) Whether the appeal site is a suitable location for residential development with particular regard to the settlement strategy; and ii) the effect of the proposal on the character and appearance of the surrounding area.
Summary of Decision	The Inspector identified that part of the site was in the countryside, for planning purposes, but that it was otherwise sustainably located and thus the policy conflict carried little weight. The principle was acceptable. The Inspector concluded on the second issue that the tandem form of backland development, contrary to the prevailing linear character, would be harmful to the character and appearance of the area. It was also identified that the necessary improvements to the vehicular access, in addition to the new access, would require substantial losses of frontage hedgerow in an area where such boundary treatments were characteristic.

Learning Point/Action	<p>The main learning point from the appeal is that, even though the application was in outline, the Inspector still identified that the likely final precise layout would be contrary to the prevailing character of linear, road-facing development.</p> <p>The Inspector also upheld the Council's concern that removal of hedgerow would harm the area and thus the access could not be made safe without harm to the area arising.</p>
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Application Number	DC/19/0299/FUL
Appeal Number	APP/X3540/W/19/3229629
Site	102 Woodbridge Road, Rushmere St Andrew IP4 5RA
Description of Development	New dwelling and proposed cartlodge at land rear of 102 Woodbridge Road, Rushmere St Andrew.
Committee / Delegated	Delegated
Decision Date	4 November 2019
Appeal Decision	Dismissed
Main Issues	<ul style="list-style-type: none"> • The effect of the proposal on the character and appearance of the area; • The effect of the proposal on the living conditions of neighbours, with particular reference to noise and disturbance, and • The effect of the proposal on European Designated Sites.
Summary of Decision	<p>The Inspector identified that the prevailing character of development was linear, road-facing dwellings in this area of Rushmere St Andrew and that a new dwelling in the rear garden would be contrary to that established pattern, resulting in harm. The proposal was deemed harmful to the character and appearance of the area, contrary to policies DM7 and DM21.</p> <p>It was also identified that the proposed access drive and vehicle parking/manoeuvring area adjacent an existing residential property would be harmful to their living conditions through noise and disturbance. The proposal was considered to be contrary to policies DM7 and DM23.</p> <p>A conclusion on Suffolk RAMS contribution and impact on European sites was not necessary as the Inspector was minded to dismiss the appeal for other reasons.</p>
Learning Point / Actions	It is of note that the proposed layout was not cramped, and that the new bungalow would largely be screened from the public realm; however, the Inspector was clear that the proposal being contrary to the prevailing pattern of linear development would amount to harm and represent poor design. It was also identified that other backland developments within the area carried little weight given the difference between those sites and the appeal site, indicating that local precedent does not override the need to assess proposals on a case-by-case basis.

Application Number	DC/18/5088/FUL
Appeal Number	APP/J3530/W/19/3225913
Site	Abbey Farm Bungalow, The Street, Snape IP17 1SJ
Description of Development	New dwelling and garage on land to the rear of Abbey Farm Bungalow
Committee / Delegated	Delegated
Decision Date	11 October 2019.
Appeal Decision	Dismissed
Main Issues	The main issues are the effect of the proposal on the rural character of the area; the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regards to privacy, light and outlook; and the effect of the proposal on European Designated Sites.

Summary of Decision	<p>The proposed property would not have an adverse effect on the character and appearance of the surrounding area.</p> <p>Land to the west which forms part of the appeal site, would be used for the proposed access to the new property. This area of land is agricultural in character. There is a clear boundary between this land and Abbey Farm Bungalow which includes a row of indigenous hedgerow that form a visible distinction from the built form of the settlement and the rural countryside. The introduction of a residential access would be an encroachment into the rural countryside that would have an adverse effect on the character of the area.</p> <p>The proposal would not have a detrimental effect on the living conditions of neighbouring occupiers in terms of loss of light, overshadowing, outlook or privacy.</p>
Learning Point / Actions	n/a

Application Number	DC/19/0226/FUL
Appeal Number	APP/X3540/W/19/3229968
Site	Land off Beech Way, Woodbridge IP12 4BW
Description of Development	The development proposed is the erection of a low-profile dwelling.
Committee / Delegated	Delegated
Decision Date	4 November 2019
Appeal Decision	Dismissed.
Main Issues	<ul style="list-style-type: none"> • The effect of the proposal on the character and appearance of the area; • Whether, or not, the proposal provides suitable access for persons accessing the dwelling; • The effect of the proposal on the living conditions of neighbours, with particular reference to the outlook of occupiers of 49 Ipswich Road (Riverhill House); and • The effect of the proposal on European Designated Sites.
Summary of Decision	<p>The grounds to dismiss the appeal are summarised:</p> <ul style="list-style-type: none"> • The backland positioning of the development in an open area on the valley side would result in harm to the character and appearance of the area. • Due to the long, steep pedestrian access running the length of the site the proposal fails to provide safe and suitable access to the site for all users or to address the needs of people with disabilities and reduced mobility; or create a place that is safe, inclusive and accessible. • Development of the site would have a negative impact on the character and appearance of the area. In so doing it would also have an adverse impact on the outlook from Riverhill House.
Learning Point / Actions	<p>The main learning point from the appeal is that achieving safe and suitable access is not just about motor vehicles. The Inspector upheld the Council's concern with a 150 metre long pedestrian route between the parking area and dwelling itself, which would run up a fairly steep hill. This was found to be unacceptable for users of limited mobility and demonstrates that design considerations need to include how a development functions, for all of the population, rather than just how it looks.</p> <p>A further learning point is that the appellant attempted to substantially amend the proposal through the appeal process. On that point, the Inspector concluded that the amendments:</p> <p><i>“fundamentally alter the scheme from that which was considered by the Council and upon which interested parties were consulted.</i></p>

	<p><i>5. I therefore consider that accepting the amendments would prejudice the outcome of the appeal and I have considered this appeal on the basis of the drawings submitted with the application and upon which the Council made its decision."</i></p> <p>The appeal decision therefore provides useful backing for the Council to resist efforts by appellants to evolve a scheme through the appeals process.</p>
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Application Number	DC/19/0423/OUT
Appeal Number	APP/J3530/W/19/3231801
Site	25 Bullards Lane, Woodbridge IP12 4HE
Description of Development	The development proposed is severance of garden and erection of two dwellings.
Committee / Delegated	Delegated
Decision Date	30 October 2019
Appeal Decision	Dismissed
Main Issues	<p>Whether the proposed development would provide a suitable living environment for future occupiers with particular regard to outlook, private amenity space and noise;</p> <p>The effect of the proposed development on the character and appearance of the area; and</p> <p>The effect of the proposed development on the Deben Estuary SPA/Ramsar Site; and the Stour and Orwell Estuaries SPA/Ramsar Site.</p>
Summary of Decision	<p>The inspector identified that the existing dwelling would have an overbearing impact on the proposed bungalow which would be detrimental to the living conditions of future occupiers of the new dwelling(s). Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard to outlook. Therefore, it would conflict with Policy DM23 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document July 2013 (LP) which among other things seeks development that would not have an unacceptable loss of amenity to future occupiers of the development. It would also conflict with LP Policy DM7 in this regard which seeks development that would be well related to adjacent properties.</p> <p>The Council contended that the development would harm the character and appearance of the area; however, the inspector concluded that it would not be a cramped form of development out of character with the area.</p> <p>A conclusion on Suffolk RAMS contribution and impact on European sites was not necessary as the Inspector was minded to dismiss the appeal for other reasons.</p>
Learning Point / Actions	The appeal was dismissed largely because the proposal would not provide adequate living conditions for the new dwellings. This finding reinforces that the Council has to consider the amenity impacts – not just in regard to existing, neighbouring properties – but also, any future occupiers of new development which are afforded the same protection under policy DM23 of the Core Strategy.

Application Number	DC/19/0286/FUL
Appeal Number	APP/T3535/D/19/3230348
Site	9 Pine Tree Close, Worlingham, Beccles, Suffolk NR34 7EE

Description of Development	Erection of a fence along side of garden/pavement
Committee / Delegated	Delegated
Decision Date	22 August 2019
Appeal Decision	Allowed
Main Issues	The main issue is the effect of the proposed development on the character and appearance of the area.
Summary of Decision	<p>The proposed fence replaces hedges and is to be erected along the side of the garden adjacent to the pavement set back between the path edge and the hedge, approximately 300mm from the path edging. The appellant also states that the fence would be 6ft high with 12" concrete gravel boards, bringing the overall height to approximately 2m and hedge planting in front of the fence.</p> <p>The site comprises a detached dwelling located within a cul-de-sac of similar development. The area is typical of many small modern estates with the dwellings arranged fronting the estate road with open frontages providing parking and front gardens. The site sits centrally within the estate and is bounded by Pine Tree Close on two sides and is larger than neighbouring plots. The private amenity space enjoyed by the occupiers of the dwelling is located to the side, where the fence is to go.</p> <p>The existing planting around the boundaries of the site limits the open appearance of the plot. Whilst the erection of a fence would provide a harder edge to the development, its visual impact would be softened by the presence of the existing landscaping and be enhanced by additional/new planting.</p> <p>The fallback under the GPDO is a 1m high fence.</p> <p>A condition requiring a scheme of landscaping is suggested which will require subsequent agreement and discharge (this has been done) and will mitigate the harm identified.</p>
Learning Point/Action	Use of conditions deemed acceptable notwithstanding officer opinion that a 300mm planting band will not be effective in concealing the fence given the evidence of failure of the hedge that currently exists. Weight given to providing some private amenity space outweighing the character concern in this instance.

Application Number	DC/18/2738/FUL
Appeal Number	APP/J3530/W/19/3223277
Site	York's Tenement, Station Road, Yoxford, IP17 3LA
Description of Development	New, 1 and 1/2 storey, two-bedroom dwelling
Committee / Delegated	Delegated
Decision Date	14 August 2019
Appeal Decision	Allowed
Main Issues	The main issue is the suitability of the location for the proposed development, with particular regard to its relationship to the defined physical limits of Yoxford.
Summary of Decision	<p>Given the existing dwellings near the appeal site and its distance from Yoxford it cannot reasonably be said to be an isolated location in the terms of the Framework. It is to be expected, as the Framework indicates, that some travel by private vehicle is likely in rural areas such as this and Yoxford is sufficiently close that only short car journeys would occur to gain access to services necessary for day-to-day living. Moreover, there is also the opportunity to walk given the footway that exists and the distance involved, despite exceeding 300 metres, would not in my view preclude this. In addition, due to the existing dwellings in this location, the addition of a single dwelling would not significantly add to the vehicle-based journeys that already occur. I also give weight in this regard to the fact that while the site is outside Yoxford's defined settlement limits, it is closer to a number of facilities and services than some housing within the settlement.</p>

Learning Point / Actions	The application does not comply with the current exiting local planning policy DM4 which has been altered and under the new amended local planning policy, which would've made the application more acceptable in this instance.
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